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ARTURO M. CISNEROS

7 UNITED STATES BANKRUPTCY COURT

8 CENTRAL DISTRICT OF CALIFORNIA – RIVERSIDE DIVISION

9 In re

10 SHAMICKA LAWRENCE,
11 Debtor.

Case No. 6:23-bk-15163-WJ

Chapter 7

STIPULATION REGARDING
TRUSTEE'S APPLICATION TO EMPLOY
REAL ESTATE BROKER

[APPLICATION DOCKET NO. 39]

14
15 TO THE HONORABLE WAYNE JOHNSON, UNITED STATES BANKRUPTCY JUDGE, THE
16 OFFICE OF THE UNITED STATES TRUSTEE, AND ALL INTERESTED PARTIES:

17 This stipulation is entered into between Arturo M. Cisneros, in his capacity as the duly
18 appointed and acting Chapter 7 trustee ("Trustee") for the bankruptcy estate ("Estate") of Shamicka
19 Lawrence ("Debtor"), and Robert Lawrence, solely in his capacity as trustee of The Lawrence
20 Children's Trust u/t/a dated May 6, 2014 ("Children's Trust"), through undersigned counsel,
21 regarding the following:

22 **Recitals**

23 A. On November 3, 2023, Debtor filed a voluntary petition under Chapter 7 of Title 11
24 the United States Code commencing the above-captioned Bankruptcy Case. Arturo M. Cisneros is
25 the duly appointed and acting Chapter 7 Trustee of the Estate.

26 B. Debtor and the Children's Trust are 50% title co-owners of real property commonly
27 known as 11364 Estates Court, Riverside, CA 92503 ("Property").

28 C. The beneficiaries of the Children's Trust are Debtor's adult daughters.

1 D. On January 30, 2024, as Docket No. 39, Trustee filed an application to employ Brian
2 Thompson of Winterstone Real Estate and Development as the Estate's real estate broker ("Broker
3 Application"). The Broker Application was filed on negative notice, and the deadline to file a
4 response or opposition to the Broker Application is February 16, 2024.

5 E. The Children's Trust, as the 50% co-owner of the Property, does not consent to
6 Trustee commencing any marketing efforts on the Property, and contends that Trustee has no
7 authority to market and sell the Property, including the interests of the Children's Trust therein.
8 Trustee and the Children's Trust are in the process of negotiating the Trustee's administration of the
9 Property, including whether Trustee will need to file an adversary proceeding to sell co-owned
10 property under 11 U.S.C. § 363(h), or whether the parties will be able to reach an agreement for a
11 consensual method to liquidate the Estate's interest in the Property.

12 The Parties agree and STIPULATE as follows:

13 1. The Children's Trust has no opposition to the Broker Application for the sole limited
14 purpose of authorizing Trustee to employ a real estate broker. Notwithstanding the entry of an order
15 approving or granting the Broker Application, Trustee agrees that Trustee, Estate, and Brian
16 Thompson of Winterstone Real Estate and Development are not authorized to, and shall not, in any
17 way, advertise for sale or lease, or market, or solicit or seek any offers or expressions of interest
18 concerning the Property unless and until either one of the following occurs: (i) the Children's Trust
19 consents, in writing, to such advertisement, marketing or solicitation, or (ii) the Bankruptcy Court
20 enters, pursuant to Bankruptcy Code § 363(h), a final unstayed judgment against Children's Trust
21 authorizing the Estate's sale of the Children's Trust's interests in the Property.

22 2. The Children's Trust agrees that it shall not unreasonably restrict, during normal
23 business hours, access to the Property by the Trustee and Trustee's agents, provided that Trustee
24 provides the Children's Trust at least 48 hours notice.

25 3. The Children's Trust and Trustee do not waive, and hereby, reserve all rights.

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27 ///

28 ///

1 4. This Stipulation may be executed in one or more counterparts and facsimile or
2 electronic signatures may be used in filing this document with the Court.

3 Dated: February 13, 2024

JEFFER MANGELS BUTLER & MITCHELL LLP

4
5 By: 

THOMAS M. GEHER

Attorneys for Robert Lawrence, Trustee of the
LAWRENCE CHILDREN'S TRUST U/T/A
MAY 6, 2014

6
7 Dated: February __, 2024

MARSHACK HAYS WOOD LLP

8
9 By: /s/ Tinhong Mang

D. EDWARD HAYS

TINHO MANG

Attorneys for Chapter 7 Trustee,
ARTURO M. CISNEROS

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: **STIPULATION REGARDING TRUSTEE'S APPLICATION TO EMPLOY REAL ESTATE BROKER** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **February 14, 2024**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- **CHAPTER 7 TRUSTEE ARTURO CISNEROS (TR):** Arturo Cisneros (TR) amctrustee@mclaw.org, acisneros@iq7technology.com; ecf.alert+Cisneros@titlexi.com
- **INTERESTED PARTY:** Alan W Forsley alan.forsley@flpllp.com, awf@fklawfirm.com, awf@fl-lawyers.net, addy@flpllp.com
- **INTERESTED PARTY:** Thomas M Geher tmg@jmbm.com, bt@jmbm.com; tmg@ecf.courtdrive.com
- **INTERESTED PARTY MESSAGE ENVY FRANCHISING, LLC:** Eric D Goldberg eric.goldberg@dlapiper.com, eric-goldberg-1103@ecf.pacerpro.com
- **ATTORNEYS FOR TRUSTEE:** D Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com; cmendoza@ecf.courtdrive.co
- **ATTORNEY FOR DEBTOR SHAMICKA LAWRENCE:** Marc A Lieberman marc.lieberman@flpllp.com, safa.saleem@flpllp.com, addy@flpllp.com
- **ATTORNEYS FOR TRUSTEE:** Tinho Mang tmang@marshackhays.com, tmang@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@ecf.courtdrive.com
- **US TRUSTEE:** United States Trustee (RS) ustpregion16.rs.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On **February 14, 2024**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR

SHAMICKA LAWRENCE
11364 ESTATES COURT
RIVERSIDE, CA 92503

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **February 14, 2024**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

HONORABLE WAYNE E. JOHNSON – VIA OVERNIGHT MAIL PRESIDING JUDGE'S COPY

United States Bankruptcy Court, Central District of California
3420 Twelfth Street, Suite 384 / Courtroom 304
Riverside, CA 92501-3819

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

February 14, 2024

Cynthia Bastida

/s/ Cynthia Bastida

Date

Printed Name

Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.